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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF	:	<u>Administrative Action</u>
	:	
	:	
NEIL I. BLOOM, D.V.M.	:	CONSENT ORDER
	:	
	:	
TO PRACTICE VETERINARY MEDICINE	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened by the State Board of Veterinary Medical Examiners ("Board") following the Board's review of a consumer complaint filed by Renee Taveniere, on or about September 9, 2005, concerning the veterinary services rendered by respondent Neil I. Bloom, D.V.M. Mrs. Taveniere alleged in her complaint that Dr. Bloom had engaged in negligence, failed to properly diagnose her dog's condition and cruelty in his care and treatment of her three (3) month old Cairn Terrier, "Skye," in or about July and August 2005.

The Board's review of this matter revealed that Skye was purchased by the complainant on August 21, 2005, from *The Pet Company* in Edison, New Jersey. Records from the pet store indicated that the respondent had examined the puppy on July 15th, July 27th and again on August 11, 2005. On all three occasions, Dr. Bloom concluded that Skye was fit for purchase.

On August 23, 2005, Mrs. Taveniere presented Skye to her local veterinarian, Frank Kavanagh, D.V.M. Dr. Kavanagh examined the puppy and concluded that Skye was unfit for purchase, pursuant to the statutes and regulations governing the sale of cats and dogs in New Jersey. Dr. Kavanagh declared the puppy unfit for sale as a result of his diagnosis of the following conditions: prognathism (underbite) and the presence of various intestinal parasitism, including, roundworms, hookworms, and Giardia. Additionally, Dr. Kavanagh referred Mrs. Taveniere to a veterinary dental specialist for further diagnosis and treatment of Skye's underbite.

The owner presented Skye to Debra A. Fiorito, D.V.M., Diplomate AVDC, on August, 25, 2005. Dr. Fiorito, following her examination of the dog, agreed with Dr. Kavanagh's diagnosis of an underbite and opined that the puppy's teeth had been clipped in an attempt to cover up the underbite defect.

In his response to the Board, dated October, 28, 2005,

Dr. Bloom acknowledged that he had no medical records of Skye except those that had been provided by the pet store. The respondent asserted that he was not required to create or maintain records on Skye because the puppy was not seen or treated at his hospital. Rather, the puppy was only seen by the respondent at the pet store.

Moreover, Dr. Bloom advised that his practice, St. Georges Veterinary Hospital, L.L.C., has been responsible for the veterinary care of *The Pet Company* for over 20 years. He further advised that, in this capacity, he is responsible for weekly in-store physical examinations and the monitoring of the health of the store's pets. Respondent admitted that his services are limited to performing physical examinations and advising on treatment or other dispositions of animals based on his physical examination findings at the time because the pet store lacks laboratory equipment for further diagnostic testing, including fecal examinations, which he maintains is responsible for his failure to diagnose the presence of intestinal parasitism in Skye. He noted that Skye did receive a prophylactic worming upon arrival at the pet store, since parasites are common in puppies. However, Dr. Bloom asserts that unless he saw parasites with the naked eye, he could not diagnose them.

Dr. Bloom further maintains that he signed a fit for

sale certificate for Skye and that this certificate indicated that the dog was fit for "pet quality" which is distinguishable from "breeding" quality. According to Dr. Bloom, an animal is fit for purchase by New Jersey consumers unless the animal suffers from a condition that affects the animal's health and/or quality of life. Hence, Dr. Bloom opined that the dog's underbite was not a cause of unfitness since the condition did not affect Skye's health or quality of life and by his own admission was not aware of the intestinal parasitism.

The Board, following its review of the patient records, and other relevant documents in this matter, concluded that the respondent, Dr. Bloom, violated its patient record regulation by failing to create and maintain medical records for Skye, contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a). Specifically, N.J.A.C. 13:44-4.9 requires veterinarians to maintain a separate patient record for each animal, herd or flock. Additionally, the regulation mandates that all patient records accurately reflect the treatment or services rendered by the licensee. The Board finds that the creation of medical records is required for all patients regardless of the location where a veterinarian treats his patients.

Moreover, the Board, in its review of the pet store documents regarding Skye, has found that Dr. Bloom again violated

or failed to comply with its regulations, in violation of N.J.S.A. 45:1-21(h). The Board finds that the respondent failed to comply with the regulations governing licensees who service pet shops, specifically, N.J.A.C. 13:44-4.4, in that the pet store records detailing the veterinary care provided by the respondent do not contain information required by the regulation, including, but not limited to, Dr. Bloom's New Jersey veterinary license number on the animal's health certificate or "Fit for Purchase" form. The Board concludes that this conduct establishes a violation of N.J.S.A. 45:1-21(h), and N.J.A.C. 13:44-4.4, and therefore provides a basis for disciplinary action by the Board against Dr. Bloom.

It appearing that the respondent desires to resolve this matter without further proceedings; and the respondent acknowledging and not contesting the findings of fact and conclusions of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety, and welfare; and for good cause shown:

ACCORDINGLY, IT IS ON THIS 31st DAY

OF JULY ORDERED that:

1. The respondent, Neil I. Bloom, D.V.M., shall cease and desist from further violations of N.J.S.A. 45:1-21(h), N.J.A.C. 13:44-4.9 and 13:44-4.4.

2. Dr. Bloom is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the amount of \$1,000.00 for the following violations: 1) failure to maintain adequate patient records, contrary to N.J.A.C. 13:44-4.9(a); and 2) failure to include important and required information relative to the veterinary care provided to patient in pet store records, contrary to N.J.A.C. 13:44-4.4. Such penalty shall be paid by certified check or money order made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101, contemporaneously with the signing of this Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

3. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS


By: Mark W. Logan VMD
MARK W. LOGAN, V.M.D.
President

I have read and understand
the within Consent Order and
agree to be bound by its terms.
Consent is hereby given to the
Board to enter this Order.


NEIL I. BLOOM, D.V.M.

DATED: 7/29/08

Consent as to form and entry.


DEBORAH A. CMIELEWSKI, ESQUIRE
WolfBlock Brach Richler

DATED: 7/30/08

